

03-05-02

03/04/02  
JC682 U.S. PRO

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

JC997 U.S. PRO  
10/090276

03/04/02

MTH-49-DIV.

Anticipated Classification  
of this Application:

Class: \_\_\_\_\_ Subclass: \_\_\_\_\_

Prior Application:

Examiner: M. AndrewsArt Unit: 1742

Asst. Commissioner for Patents  
Washington, D.C. 20231

SIR:

This is a request for filing a

[ ] Continuation

application under 37 CFR 1.53

[X] Divisional

of pending prior Application Serial No. 09/581,696Filed on: June 15, 2000 Of: Tateiwa et alFor: PROCESS AND SYSTEM FOR RECOVERING VALENT METALS FROM REFUSESECONDARY BATTERIES

1. [X] Enclosed is a copy of the prior application, including the oath or declaration as originally filed and an affidavit or declaration verifying it as a true copy. (See 8 and 8a for drawing requirements).
2. [ ] Prepare a copy of the prior application.
3. [X] The Filing fee is calculated below:

CLAIMS AS FILED IN THE PRIOR APPLICATION,  
LESS ANY CLAIMS CANCELLED BY AMENDMENT BELOW

<u>For</u>	<u>Number</u> <u>Filed</u>	<u>Number</u> <u>Filed</u> Excess of 20	<u>Rate</u>	<u>Basic Fee</u> <u>\$740.00</u>
Total Claims	<u>6</u>	<u>0</u>	X \$18.00 =	<u>0</u>
Independent Claims	<u>1</u>	Excess of 3 <u>0</u>	X \$84.00 =	<u>0</u>
Multiple dependent claims		[ ] Yes \$280.00	[X] No	<u>0</u> \$740.00

4. [X] The Asst. Commissioner is hereby authorized to charge any fees which may be required, or to credit any over-payment to Account No. 02-2275. A duplicate copy of this sheet is enclosed.

[X] I hereby certify that this correspondence is being deposited with the U.S. Postal Service as express mail No. EV 068843543 US in an envelope addressed to the Asst. Commissioner for Patents, Washington, D.C. 20231 on March 4, 2002.

Date: March 4, 2002

  
Charles A. Muserlian # 19,683

5. [X] PTO Form 2038 for \$ 740.00 is enclosed.
6. [X] Cancel in this application original claims 1, 3-9, 11-16, 18-21, 23-26, 28-32 and 34-36 of the prior application before calculating the filing fee. (At least one original independent claim must be retained for filing purposes).
7. [ ] Amend the specification by inserting before the first line in the sentence;  
This is a [ ] Continuation, [ ] Division of Serial No.
8. [ ] Transfer the drawings from the prior application as of the filing date accorded this application. A duplicate copy of this sheet is enclosed for filing in the prior application file. (May only be used before payment of base issue fee).
- 8a. [X] New formal drawings are enclosed.
- 8b. [X] Priority of application Serial No. \*SEE ATTACHED  
Filed: \_\_\_\_\_ in \_\_\_\_\_  
is claimed under 35 USC 119.
- 8c. [X] The certified copy has been filed in WIPO.
9. [X] The prior application is assigned of record to MITSUI MINING & SMELTING CO., LTD.
10. [X] The power of attorney in the prior application is to any one of the following: Jordan B. Bierman, Reg. No. 18,629; Charles A. Muserlian, Reg. No. 19,683; Donald C. Lucas, Reg. No. 31,275; all of 600 Third Avenue, New York, N.Y. 10016; Registration No. 18,818; its attorney to file this Declaration with full power of substitution and revocation and to transact all business in the Patent Office connected therewith.

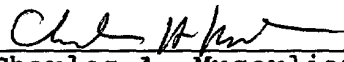
- a. [X] The power appears in the original papers of the prior application.
- b. [ ] Since the power does not appear in the original papers, a copy of the power in the prior application is enclosed.
- c. [X] Recognize as associate attorney and address all future communications to:

Charles A. Muserlian, Reg. No. 19,683  
c/o Bierman, Muserlian and Lucas  
600 Third Avenue  
New York, N.Y. 10016

11. [X] A preliminary amendment is enclosed. (Claims added by this amendment have been properly numbered consecutively beginning with the number next following the highest numbered original claim in the prior application).
12. [X] I hereby verify that the attached papers are a true copy of prior application Serial No. 09/581,696 as originally filed on June 15, 2000.

The undersigned declares further that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the above-identified application or any patent issuing thereon.

Date: March 4, 2002

  
Charles A. Muserlian  
Reg. No. 19,683

Bierman, Muserlian and Lucas  
600 Third Avenue  
New York, N.Y. 10016

Our Ref.: MTH-49-DIV.

\*8b. Priority of Application Serial Nos.:

<u>Serial No.</u>	<u>Filed</u>	<u>Country</u>
10-305301	October 27, 1998	Japan
10-313337	November 4, 1998	Japan
10-352582	December 11, 1998	Japan
10-352675	December 11, 1998	Japan


are claimed under 35 USC 119.

MTH-49-DIV.

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Charles A. Muserlian

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March 04 2002  
Margaret Rogers  
Signature of person mailing paper or fee